

ENTERED

September 27, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

CARLOS MORELAND,

Plaintiff,

VS.

DON'SHAY MCCOY, *et al*,

Defendants.

§
§
§
§
§
§
§
§

CIVIL NO. 2:18-CV-269

ORDER

The Court is in receipt of the Magistrate Judge's Memorandum and Recommendation ("M&R"), Dkt. No. 228. The Court is also in receipt of exhibits filed as Plaintiff Carlos Moreland's ("Moreland") Objections to the M&R, Dkt. No. 248. No argument or objections are included in the document.

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 228, in substance.¹ The Court rules as follows:

The Court **STRIKES** the following pleadings:

- Plaintiff's motions for summary judgment, Dkt. Nos. 184, 185, 193;
- Plaintiff's untimely responses, 193, 194, 195, 196, 197, 198, 199, 200, 201, 210, 211, 212, 213, 214, 215, 216, 217, 219, 222;
- Defendants' Advisory, Dkt. No. 218;
- Plaintiff's responses to the Advisory, Dkt. Nos. 220, 221, 223, 225, 226; and

¹ The Court alters and adopts the following statements (with the correction in bold type):

- "Court records reflect that Plaintiff has filed numerous materials in this case in support of his summary judgment motions and in response to Defendants' summary judgment motions. (D.E. 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 210, 211, 212, 213, 214, 215, 216, 217, **219**, 222). . . . Plaintiff filed several responses to Defendants' Advisory. (D.E. [], 220, 221, 223, 225, 226)." Dkt. No. 228 at 8.
- "A review of these late responses reveals that Plaintiff: (1) attempts to reargue many of the same points already set forth in his lengthy response briefs (D.E. 193, 194, 201, 219, **222**). *Id.* at 12.
- It is respectfully recommended further that the Court likewise strike Plaintiff's responses to the advisory (D.E. [], 220, 221, 223, 225, 226). *Id.* at 13.
- "Second, he must claim that the defendant's action was objectively **unreasonable** in light of the law that was clearly established at the time of the complained-of actions." *Id.* at 37.
- "The undersigned further recommends that the Court: . . . **STRIKE** . . . Plaintiff's responses to the Advisory (D.E. [] 220, 221, 223, 225, 226), . . ." *Id.* at 41.

- Plaintiff's motion to liberally construe his summary judgment motions and responses, Dkt. No. 227.

The Court **DENIES** the following motions:

- Plaintiff's Motion to Show Cause for Excusable Neglect, Dkt. No. 208;
- Plaintiff's Motion for Preliminary Injunction, Dkt. No. 156; and
- Plaintiff's Motion for Obstruction of Justice, Dkt. No. 224.

The Court **GRANTS** the following motions:

- Motion for Summary Judgment filed by Defendants Lannette Linthicum ("Linthicum") and Chris Black-Edwards ("Black-Edwards"), No. 178;
- Motion for Summary Judgment filed by Defendants Kirk Abbott ("Abbott"), Sara Hancock ("Hancock"), Jessica Khan ("Khan"), and Don'Shay McCoy ("McCoy"), Dkt. No. 182; and
- Linthicum and Black-Edwards' Motion to Strike Plaintiff's Motion for Summary Judgment and Response, Dkt. No. 202.

SIGNED this 27th day of September 2021.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle
Senior United States District Judge